

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

WANDA YUDELKA PEGUERO,
Defendant.

Criminal No. 25-079 (GMM)

**MOTION FOR CHANGE OF PLEA AND SENTENCING HEARINGS
ON THE SAME DATE AND REQUEST TO WAIVE PREPARATION
OF THE PRESENTENCE INVESTIGATION REPORT**

TO THE HONORABLE COURT:

COMES NOW the defendant, Wanda Yudelka Peguero (hereinafter, Ms. Peguero), represented by the Federal Public Defender for the District of Puerto Rico through the undersigned attorney, and very respectfully states as follows:

1. Ms. Peguero is a 45-year-old Dominican citizen. She is currently facing an illegal reentry charge pursuant to 8 U.S.C. 1326 (a). D.E. No. 11. She is incarcerated at MDC Guaynabo, where she has been held since her arrest on February 8, 2025.

2. Ms. Peguero was arrested attempting to return to the Dominican Republic. Ms. Peguero's mother is very sick and requires surgery. Ms. Peguero was returning to take care of her mother and obtained a letter from the Embassy that she thought allowed her to legally return to her country.

3. According to the evidence available, Ms. Peguero was last removed January 1, 2023, pursuant to an order of removal issued on December 31, 2022. Apart from the instant case, Ms. Peguero has no other criminal case pending.

4. After reviewing the available discovery and being apprised of her constitutional rights, the defense hereby asks the Honorable Court to schedule a change of plea hearing so that Ms. Peguero may change his previously entered plea of not guilty to one of guilty pursuant to a straight plea.

5. The defense has calculated Ms. Peguero's guidelines as follows:

Base Offense Level: The guideline for a violation of Title 8, U.S.C. § 1326(a)(2) is USSG §2L1.2. The base offense level is 8. USSG §2L1.2(a).	<u>8</u>
Victim Related Adjustment: None.	<u>0</u>
Adjustment for Role in the Offense: None.	<u>0</u>
Adjustment for Obstruction of Justice: None.	<u>0</u>
Adjusted Offense Level (Subtotal):	<u>8</u>
Chapter Four Adjustment: The defendant meets the criteria at USSG §§4C1.1(a)(1)-(10). Therefore, the defendant is a zero-point offender, and the offense level is reduced by two levels. USSG §§4C1.1(a) and (b).	<u>-2</u>
Acceptance of Responsibility: The defendant has clearly demonstrated acceptance of responsibility for the offense. Accordingly, the offense level is decreased by two levels. USSG §3E1.1(a).	<u>-2</u>
Total Offense Level:	<u>4</u>

6. Ms. Peguero has no criminal history, as such her criminal history category is **I** and her guideline sentencing range is **0 to 6 months** of incarceration.

7. At sentencing, undersigned counsel will request a sentence of time served. As of today, Ms. Peguero has been detained for 17 days.

8. In the alternative, should this Court not accept the waiver of the PSR, Ms. Peguero respectfully request that the Court orders the preparation of an abbreviated and expedited PSR and proceed to sentence Ms. Peguero immediately after the change of plea hearing, if possible.

9. The government, by way of Special Assistant U.S. Attorney Steven Lyong-Rodriguez, does not oppose the relief sought herein.

FOR THESE REASONS, Ms. Peguero respectfully asks the Honorable Court to (i) take notice of the present motion, (ii) allow her to waive his PSR, and (iii) schedule a change of plea and sentencing hearing at the Court's earliest convenience. In the alternative, he asks that the Court order an expedited PSR.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 24th day of February 2025.

RACHEL BRILL
FEDERAL PUBLIC DEFENDER
DISTRICT OF PUERTO RICO

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